

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**LOREN IVORY MORGAN,**

**Plaintiff,**

**v.**

**WILLIAM RODNEY MCMULLEN,**

**Defendant.**

**Case No. 2:23-cv-3844**

**Judge Edmund A. Sargus, Jr.**

**Magistrate Judge Chelsey M. Vascura**

**ORDER**

This matter is before the Court on the Report and Recommendation issued by the Magistrate Judge on November 15, 2024. (R&R, ECF No. 14.) In that R&R, the Magistrate Judge explained that the Court issued a Show Cause Order requiring Plaintiff to show cause why this action should not be dismissed for failure to effect service and why the Court should allow an extension of time to effect service. (R&R, PageID 59; *see also* ECF No. 12.) Plaintiff did not respond to the Show Cause Order. The Magistrate Judge therefore recommended that this action be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failing to timely effect service of process. (R&R, PageID 59.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Plaintiff was advised of his right to object to the R&R and of the consequences of failing to do so (R&R, PageID 59–60), but did not file a timely objection. Accordingly, Plaintiff waived a de novo review of the R&R.

The Court has reviewed the R&R, agrees with the recommendations stated therein, and **ADOPTS** and **AFFIRMS** the R&R. (ECF No. 14.) Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** for failure to timely effect service of process. The Clerk is **DIRECTED** to **ENTER JUDGMENT** and close this case.

**IT IS SO ORDERED.**

1/7/2025  
**DATE**

s/Edmund A. Sargus, Jr.  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**